

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

NATHANIEL WELLS,

Defendant.

CASE NO. CR12-339-RSM
CR16-7-RSM

ORDER DENYING THIRD MOTION FOR
COMPASSIONATE RELEASE

This matter comes before the Court on the Third Motion for Compassionate Release filed by Defendant Nathaniel Wells. Case No. 16-cr-339-RSM, Dkt. #66, Case No. 16-cr-7-RSM, Dkt #478. Mr. Wells, an inmate at FCI Sheridan in Oregon, again seeks entry of an order pursuant to Title 18 USC § 3582(c) releasing him from confinement subject to a period of supervised release. *Id.* at 1. It is unclear from this filing whether or not he is attempting to file a new motion or a motion for reconsideration. *See id.* at 3 (“Mr. Wells asks this Court to amend it’s judgment order in this case to reflect on current pandemic and confinement conditions.”). He does not appear to have exhausted his administrative remedies for a new motion as required by the applicable statute. The Court has determined that it can rule without responsive briefing and that an evidentiary hearing is unnecessary.

1 As an initial matter, the Court notes that Mr. Wells has a pending direct appeal. *See* Case
2 No. 16-cr-7-RSM, Dkt #460. At this time, the Court may either defer, deny, or issue an indicative
3 ruling on this Motion pursuant to Rule 37.

4 The Court agrees with the following procedural history and analysis from the
5 Government, previously included in the last Order from the Court on this topic:

6 ...[W]ith assistance of counsel, the defendant has already brought
7 an identical motion, which this Court denied on the merits. Dkt. 420.
8 This Court also rejected the defendant's motion for reconsideration.
9 Dkt. 431. There is no reason for this Court to revisit this question
essentially the same claims.

10 Case No. 16-cr-7-RSM, Dkt. #456 at 1 (citing Case No. 12-cr-339-RSM, Dkt. #60 at 1–2).

11 Mr. Wells presents no new information about his health. The only new facts presented
12 are written out on half a page and deal with the number of inmates at FCI Sheridan who have
13 contracted COVID-19 and the conditions at that facility. Mr. Wells alleges that 41 inmates have
14 contracted the virus.

15 A full recitation of the applicable legal standard is unnecessary, and the Court
16 incorporates the legal standard set forth in its prior Order. *See* Case No. 16-cr-7-RSM, Dkt.
17 #420. The Court there ruled:

18 By all accounts Mr. Wells is a healthy 37-year-old without any
19 known risks associated with a higher chance of mortality or serious
20 injury from COVID-19. The conditions described at FCI Sheridan,
21 although no doubt challenging and uncomfortable, do not alone
22 create an extraordinary and compelling reason to release all inmates
23 regardless of individual health issues. Given the above, the Court
24 finds no extraordinary and compelling reason to grant the requested
relief and the Court need not proceed through Mr. Wells's Section
3553 factors or any other considerations.

25 *Id.* at 4–5.

1 On August 31, 2020, after reviewing new information submitted by Mr. Wells in a motion
2 for reconsideration, including his Body Mass Index (“BMI”), the Court stated:

3 Mr. Wells remains a healthy 37-year-old. The Court was previously
4 aware of Mr. Wells’ obesity. The CDC now acknowledges that
5 obesity with a BMI of 30 or higher is a risk factor for severe illness
6 from COVID-19. However, given Mr. Wells’ age and lack of other
7 health conditions, the Court finds that his BMI of 33.5 alone fails to
8 significantly increase his risk from COVID-19 to constitute
9 extraordinary and compelling reasons for release. The other new
information—four positive cases at FCI Sheridan—does not
indicate to the Court that there is a widespread outbreak of COVID-
19 or that such places him at higher risk of complications from
COVID-19 compared to his risk if released.

10 Case No. 16-cr-7-RSM, Dkt. #431 at 4.

11 This latest Motion does not include any new health concerns specific to Mr. Wells.
12 Although he has included new information about the number of inmates who have contracted
13 COVID-19, he lists no new significant risks to him from COVID-19 and the Court finds no
14 reason to deviate from its prior rulings on this matter.

15 Accordingly, having reviewed the Motion, along with the remainder of the record, the
16 Court hereby finds and ORDERS that Defendant’s Third Motion for Compassionate Release,
17 Case No. 16-cr-339-RSM, Dkt. #66, Case No. 16-cr-7-RSM, Dkt #478, is DENIED.
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19 DATED this 11th day of January, 2021.
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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
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